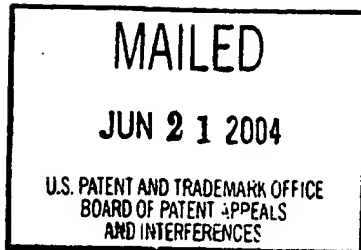


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte REINHOLD SCHOPF

Application No. 09/928,070

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received *via* Image File Wrapper (IFW) at the Board of Patent Appeals and Interferences on May 25, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the tech center. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on August 10, 2001.

According to the Manual of Patent Examining Procedure (MPEP) § 609(C)(2) (Eighth Ed., Rev. 1, Feb. 2003):

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Examiners must consider all citations submitted in conformance with the rules and this section [37 CFR §§ 1.97 and 1.98], and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office. . . . Those citations not considered by the examiner will have a line drawn through the citation and any citations considered will have the examiner's initials adjacent thereto . . .

In the Examiner's Action mailed December 4, 2002, the examiner checks a box acknowledging receipt of the IDS, however, It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. In the copy of the 1449 in the IFW listing the references, the references have not been checked and initialed as required and the examiner has not dated and signed the 1449.

Accordingly, it is

ORDERED that the application is being electronically returned to Tech Center 2800 for the examiner to properly consider the IDS filed August 10, 2001, notification to appellants in writing of consideration and for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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